

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE

2003 DEC -2 A 11: 41

STEVEN DRURY,

Plaintiff,

V.

THE NEW ENGLAND REGIONAL COUNCIL OF  
CARPENTERS, CARPENTERS LOCAL UNION NO.  
107, THOMAS HARRINGTON, ART SISCO, SIMON  
JAMES, and KENNEDY & ROSSI, INC.,

Defendants.

) U.S. DISTRICT COURT  
) DISTRICT OF MASS.

) C.A. NO. 03-11422-MLW

**UNION DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION TO SUPPRESS**

The Union defendants attached to their memorandum in support of their motion to dismiss a copy of the opinion of a Superior Court in a separate case filed by plaintiff against another employer dismissing Massachusetts Civil Rights Act claims that are substantially identical to the claims that he has asserted in this case. According to plaintiff, there is some sort of "gag order" in effect concerning that opinion. The undersigned is entirely unaware of any form of order or agreement governing the use of that decision, and plaintiff has produced nothing to support such an assertion. To the undersigned's knowledge, the decision was not appealed.

In any event, defendants submitted the decision on a very minor matter. As defendants argued in connection with both their motion to dismiss and plaintiff's motion to remand, plaintiff's MCRA claims against the Union defendants are completely preempted by federal labor law. Defendants attached the decision from the earlier Superior Court case, in

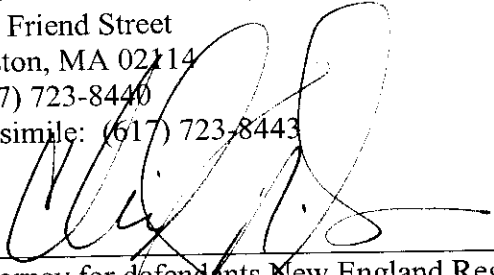
which the Union was not a party, only to indicate that, even if they were not preempted, plaintiff's claims under the MCRA are entirely baseless.

Wherefore, plaintiff's motion to suppress and for other relief should be denied.

Date: December 1, 2003

Respectfully submitted,

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Attorney for defendants New England Regional  
Council of Carpenters, Carpenters Local Union  
No.107, Thomas Harrington, Art Sisko and  
Simon James

### **CERTIFICATE OF SERVICE**

I, Christopher N. Souris, hereby certify that I caused a copy of the foregoing to be sent by first class U.S. mail this 12<sup>th</sup> day of September, 2003 to Steven R. Drury, 18 Drury Lane, Templeton, MA 01468 and Douglas W. Phillips, Holland & Knight, 10 St. James Street, Boston, MA 02116.



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Christopher N. Souris